

### **REMARKS**

By the present Amendment, a minor typographical error has been corrected in the specification and claim 2 has been revised to provide appropriate antecedent basis as requested by the Examiner in the Official Action without altering the scope of the claim. The claims have not been substantively amended since applicants respectfully submit that the claims define patentable subject matter for the reasons provided below.

Claim 1 has been rejected under 35 U.S.C. §102(e) as being anticipated by Kita et al, U.S. Patent No. 6,397,749, and claim 2 has been rejected under 35 U.S.C. §103(a) in view of Kita et al. Neither of these rejections is believed to be proper.

Kita et al relates to a heat-sensitive precursor of lithographic printing plates which comprises a hydrophilic layer provided on a substrate having an ink-receptive surface or coated with an ink-receptive layer. The precursor further has a water-soluble overcoat layer on the hydrophilic layer, with the hydrophilic layer being a three-dimensionally cross-link hydrophilic material. The heated area of the precursor can be removed by a fountain solution or ink when subjected to printing operations.

In contrast to the process disclosed in Kita et al, claim 1 defines a process which involves imagewise exposing with a defined layer a heat-sensitive lithographic printing plate precursor which comprises a metallic base having thereon in order (1) an ink-receptive layer, (2) a hydrophilic layer containing colloidal particles of an oxide or hydroxide of at least one element selected from a defined group, and (3) a hydrophilic overcoat layer capable of being removed on a printing machine. The precursor further contains a compound capable of converting light into heat. As part of the process, ink and a

dampening water are supplied to the plate surface by simultaneously bringing a dampening roll and an inking roll into contact with the plate surface or by bringing a water-metering roll into contact with an inking roll and then bringing the inking roll (which also provides a dampening function) into contact with the plate surface and thereby removing the overcoat layer and those parts of the hydrophilic layer which have been exposed.

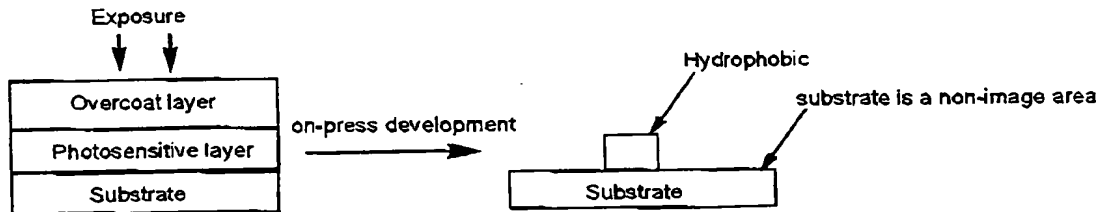
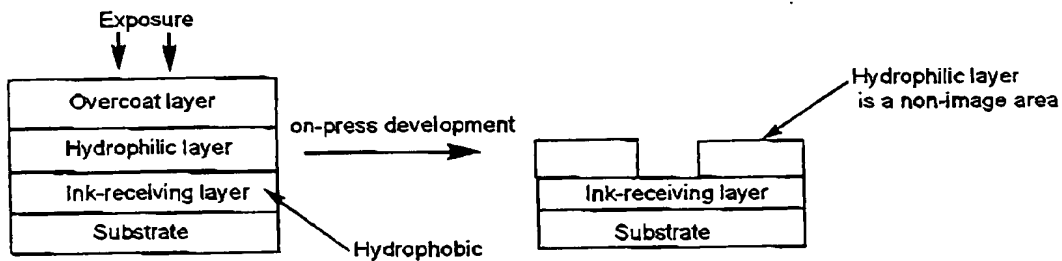
Kita et al does not in any way disclose this latter recited step in the process set forth in claim 1. Hence, the patent cannot be used to anticipate this aspect of the invention. As to any rejection based on 35 U.S.C. §103(a) in view of this patent, **it is hereby stated that the instant application and Kita et al were, at the time the invention was made, owned by or subject to an obligation of assignment to the same entity, namely Fuji Photo Film Co., Ltd.** Accordingly, pursuant to the provisions of 35 U.S.C. §103(c), there can be no rejection under 35 U.S.C. §103(a) based on Kita et al.

Turning to the rejection based on Deboer et al, U.S. Patent No. 6,090,524 and Teng, U.S. Patent No. 6,387,595, applicants respectfully submit that the proposed combination of documents is inconsistent with the teachings of the patents and is improperly based on applicants' own specification. More particularly, Deboer et al relates to a lithographic printing plate made by coating a support web (which can be an aluminum sheet) with a coextensive ink receptive photothermal conversion layer and then overcoating with an ink repellent layer comprising a crosslinked polymeric matrix containing a colloid of an oxide or a hydroxide of a metal selected from a defined group. As set forth in column 7, lines 25-35, the lithographic printing plate can be exposed to a focused laser beam where ink is desired in the printing image and then mounted on a conventional

lithographic printing press without heating, processing or cleaning before the printing operation.

As the Examiner has recognized, Deboer et al does not contain a hydrophilic overcoat layer capable of being removed on a printing machine and does not provide a process which involves removing the overcoat layer and those parts of the hydrophilic layer which have been exposed. Moreover, Deboer et al does not teach a process which includes supplying an ink and a dampening water to the plate surface by simultaneously bringing a dampening roll and an inking roll into contact with the plate surface or by bringing a water-metering roll into contact with an inking roll and then bringing the inking roll into contact with the plate surface. Accordingly, Deboer et al does not in any way disclose or suggest the process defined in claim 1.

Teng relates to a substantially different printing plate from that set forth in the claims of record. More specifically, Teng discloses an on-press developable lithographic plate comprising a substrate, a photosensitive layer and a top ultrathin ink and/or fountain solution soluble or dispersible overcoat. Upon exposure to actinic radiation, the photosensitive layer is either hardened or solubilized with the non-hardened or solubilized areas being soluble or dispersible in ink or in ink and/or fountain solution. In either case, a portion of the photosensitive layer is removed. Therefore, by placing the overcoat layer on the hydrophobic photosensitive layer and by removing a portion of the photosensitive layer, a substantially different technique is provided. To illustrate this point, the following illustrations of one embodiment of Teng and the present invention are provided below.

**Teng****Invention**

Without resort to applicants' own specification, which is clearly improper, those of ordinary skill in the art would not be led to placing the overcoat layer of Teng on the top layer of Deboer et al since the layer on which the overcoat layer is placed in Teng is different and functions in a different way from the underlying layer in Deboer et al. Moreover, Teng does not disclose or suggest the specific process step by which an ink and a dampening water are simultaneously supplied to the plate surface as set forth in claim 1. Accordingly, the proposed combination of patents cannot be properly relied on to support a rejection of claim 1.

The addition of Hauquier et al, U.S. Patent No. 6,068,965, to show on press imaging does not alter the deficiencies of the combination of Deboer et al and Teng set

forth above. Accordingly, claim 1 and claim 2, which depends therefrom, are believed to be patentable even if Hauquier et al is included in the rejection.

For all of the reasons set forth above, applicants respectfully submit that the claims now clearly and distinctly define the various aspects of the invention and that such aspects are patentable over the cited prior art. Accordingly, reconsideration and allowance of the present application are requested.

As a final matter, the certified copy of the Japanese priority application is being provided herewith and applicants request acknowledgment of this submission in the next Official Action.

Should the Examiner wish to discuss any aspect of the present application, she is invited to contact the undersigned attorney at the number provided below.

Respectfully submitted,

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